

MINUTES

ALCOHOL AND TOBACCO COMMISSION

OCTOBER 6, 2009

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Major Poindexter and Executive Secretary Dunsmore were also in attendance.

Marc Carmichael, Debbie Scott, Mark Webb, Jim Purucker, Nicole Upano, Trevor Vance and John Barnett were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the September 15, 2009 meeting. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the October 6, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Five hundred forty (540) renewals approved, forty-eight (48) new and/or transfer permits approved, twenty-three (23) permits approved for catering, four (4) permits approved for first year escrow, six (6) permits approved for second year escrow, one (1) permit approved for third year escrow, two (2) permits approved for fourth year escrow and one (1) permit approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RH42-05202 THE BIG E, INC., D/B/A EXECUTIVE INN OF VINCENNES - Commissioner Guthrie noted this is a type 215 renewal application with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie stated this has been an issue for a couple of years due to the fact that this hotel cannot keep its rooms available for the hotel, which is a requirement to hold this type of permit.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the renewal because the permittee does not qualify. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR42-23745 KATHERINE RENE THOMAS, D/B/A OAKTOWN LOUNGE – Commissioner Guthrie noted this is a type 210-1 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR49-25957 HAVANA CAFÉ CUBAN CUISINE & SPIRITS, INC. – Commissioner Guthrie moved to table this matter until the next meeting to allow the commission time to possibly assist the applicant with submitting required paperwork for approval to hold this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RC71-13592 AMERICAN LEGION POST 50 – Commissioner Guthrie noted this is a type 211-4. The permittee has not appeared at the local board meeting as required, therefore, after three continuances, the local board forwarded this application to the Commission for consideration.

Commissioner Guthrie moved to disapprove the renewal. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RC22-05024 NEW ALBANY GOLF, INC. - Commissioner Guthrie noted this is a type 211-1 permit. The permittee is requesting that this permit be converted to a type 210 permit, so they can serve the public.

Commissioner Guthrie moved to approve the request. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR41-20177 FINALLY FONDUE III, INC. – Commissioner Guthrie noted this renewal application was originally denied by the Commission due to failure to pay property taxes. The permittee has now submitted a Form 1 Property Tax Clearance Form to the Commission.

Commissioner Guthrie moved to remand this renewal application to the local board for reinvestigation. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

INACTIVE FILES – Vice Chairman Johnson moved to make thirty-six (36) permits inactive. All permits are not subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

No New Business

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements.

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2009.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER